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ABSTRACT

This monograph summarizes discussions focusing on postsecondary diversity at two regional meetings attended by senior representatives of 22 state higher education agencies. The meetings addressed the effects of recent challenges to affirmative action and discussed the actions institutions are taking or are contemplating in the face of these challenges. Research on the economic value of and differential access to higher education is summarized, as are influences on state policy environments by such events as lawsuits challenging affirmative action admissions and student aid policies, voter referenda modifying state affirmative action laws, and higher education board policies eliminating affirmative action programs. Current state initiatives discussed include strategic plans for diversity, K-16 initiatives, teacher education, early outreach, need-based student aid and state scholarship programs, merit-based programs, communications, coordination with business leaders, and public relations. The report also summarizes a recent research study suggesting admissions guidelines which consider a student's likely long-term contribution to society. Finally, eight specific research subjects (such as characteristics of effective early outreach programs) and seven action steps (such as aligning K-12 and postsecondary education) are recommended. An appendix lists recent policy activities in selected states. (Contains 25 endnotes.) (DB)

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Diversity in Higher Education

AN ACTION AGENDA FOR THE STATES

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The image most commonly invoked in discussions of this process is the "pipeline." . . . But this image is misleading, with its connotation of a smooth, well defined, and well understood passage. It is more helpful to think of the nurturing of talent as a process akin to

moving down a winding river,

with rock-strewn rapids and slow channels, muddy at times and clear at others. Particularly when race is involved, there is nothing simple, smooth, or highly predictable about the education of young people.

—William G. Bowen and Derek Bok,
The Shape of the River

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Esther M. Rodriguez

June 1999

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Founded in 1900, the College Board is a not-for-profit educational association that supports academic preparation and transition to higher education for students around the world through the on-going collaboration of its member schools, colleges, universities, educational systems, and organizations.

In all of its activities, the Board promotes equity through universal access to high standards of teaching and learning and sufficient financial resources so that every student has the opportunity to succeed in college and work.

The College Board champions — by means of superior research; curricular development; assessment; guidance, placement, and admission information; professional development; forums; policy analysis; and public outreach — educational excellence for all students.

Copies of this book are available for $20, including postage, from the SHEEO office, 707 Seventeenth Street, Suite 2700, Denver, Colorado 80202-3427. Orders must be prepaid or accompanied by purchase order. Credit cards are not accepted.

FOREWORD

Challenges to affirmative action policies have emerged as one of the most significant issues facing educational institutions today, not only at colleges and universities, but also increasingly in elementary and secondary schools. In three states — California, Texas and Washington — affirmative action can no longer be used in the postsecondary admission process as a result of either litigation or ballot initiatives. To date, there is strong evidence that the impact of these events on minority student enrollment is very real. The potential for further dismantling of affirmative action exists with pending lawsuits and expected voter referenda at the ballot boxes in the election of 2000. It is particularly distressing that so much of the recent debate has been based on rhetoric and political ideology, not fact or research.

As an association dedicated to *educational excellence for all students*, the College Board views these developments and their chilling effect on underserved and underrepresented students with alarm. The Board of Trustees of the College Board recently approved, as a priority for its 1999 public policy agenda, the call to "advocate the importance of diversity and access in addressing challenges to affirmative action."

In view of this commitment, the College Board's ongoing collaboration with the State Higher Education Executive Officers (SHEEO) is of particular importance. During the past year this collaboration has provided the College Board with the opportunity to work with outstanding state policymakers from across the nation. Together we identified effective strategies to increase the rates of college attendance and success for traditionally underserved and underrepresented students. Of particular promise are strategies that call for strengthening relations involving higher education institutions and elementary and secondary education. We need to build upon what *New York Times* contributing writer James Traub recently noted: "Whatever is lost with the elimination of affirmative action, what's gained is a new sense of mission for schools and universities."

Diversity in Higher Education: An Action Agenda for the States summarizes our discussions at two regional meetings on postsecondary diversity attended by senior representatives of state higher education agencies from across the country in late 1998. It offers a framework for addressing the critical challenge before us. The completion of this document represents the collective efforts and contributions of several individuals. I would like to thank Katherine Lyall, President of the University of Wisconsin System, and Don Brown, Commissioner of the Texas Higher Education Coordinating Board and chair of the SHEEO Committee on Access and Diversity, and their staffs for hosting and helping us coordinate the two meetings. These very dynamic forums were facilitated with help from Gordon Davies, President, Kentucky Council on Postsecondary Education, and James Mingle, Executive Director, State Higher Education Executive Officers. The participation and comments by state higher education executive officers and senior staff from the states represented at these meetings, as well as those who responded to our requests for information, were essential to shaping the joint diversity agenda being proposed in this document.

I also sincerely appreciate the critical review and editorial support of James Mingle, and at the College Board, Irene Spero, Executive Director of Federal and State Relations, and Tom Rudin, Director of Grants Planning. Cedric Page, Executive Director and Associate Professor, Center for Social Responsibility and Community Service,

State University of New York, College at Oneonta, acted as an advisor during our meetings. Special thanks to Paul Albright for his management of the final production of this report. Finally, I acknowledge and recognize the significant contributions of SHEEO Associate Executive Director Esther Rodriguez for her authorship of this report and her leadership in guiding and leading this important project.

The College Board looks forward to working with the State Higher Education Executive Officers, and with officials from the 50 states, in advancing an agenda to improve student access and success. As the nation enters the new millennium, educating *all* students to function in an increasingly global and technological society is both an economic and moral imperative. I urge all of you to join with the College Board and SHEEO in meeting this challenge.

June 1999

Donald Stewart
President
The College Board

Diversity in Higher Education

AN ACTION AGENDA FOR THE STATES

INTRODUCTION

In the fall 1998, the State Higher Education Executive Officers (SHEEO) and The College Board jointly hosted two regional meetings of state higher education leaders to focus on the issue of diversity in higher education. At these meetings, which took place in Madison, Wisconsin and Austin, Texas, participants were asked to address three questions:

Q How have recent institutional board policies, voter referenda, court rulings, and suits on affirmative action affected the state climate of support for minority student access and achievement?

Q What actions have been initiated or are contemplated in the face of these challenges to affirmative action?

Q What new policies and programmatic strategies might be necessary to ensure increased academic performance, college readiness, and success of underrepresented and underserved students in postsecondary degree programs?

Representatives from 22 states attended the meetings, and many other states that could not send representatives provided information that is included in the appendix to this report. Responses to these questions and the ensuing discussions form the basis of a joint commitment by SHEEO and The College Board to create an action agenda addressing the current challenges to affirmative action and articulating support of diversity in postsecondary education.

STATE POLICY ENVIRONMENTS

The importance of postsecondary education for achieving economic success in this country is undisputed. In general, this collective body of research affirms what parents and students from the most affluent backgrounds have long known, namely:

- The earning power of college graduates and the differentials between them and high school graduates continues to grow. [1]
- Lifetime earnings grow in direct proportion to the level of degree attainment. Professional degree holders earn more than masters degree holders, masters more than baccalaureate, and baccalaureate more than associate.[2]
- An economic premium is available to those graduates, regardless of color, who graduate from the most selective and prestigious institutions in America.[3]

The research data also provide other, less positive, findings on what has happened in the past 20 years to some minorities and most individuals from low-income backgrounds.

- College completion rates at the baccalaureate level and higher continue to vary dramatically based on race and ethnicity. In 1995, 26 percent of whites completed four years or more of college, compared to 15 percent of African Americans and 9 percent of Latino Americans.[4]
- The level of educational attainment of parents significantly affects the chances of college attendance. This appears to be true for all racial groups, except Hispanics.[5]
- By any measure of higher educational opportunity, students from low-income family backgrounds are less likely to succeed in college than are students from higher income family backgrounds.[6]

Since the mid-1960s, the federal government, states, and postsecondary institutions have used affirmative action policies, need-based aid, and a host of early intervention strategies to address the negative impact of the combined effects of race, class, and parental educational attainment in terms of college attendance. Progress was substantial in the 1960s and 1970s but began to stagnate in the 1980s and 1990s.

Recent legal challenges to affirmative action and political decisions at the both the federal and state levels do not bode well for even holding on to this "steady state" in educational achievement of underrepresented groups. In some states, lawsuits, voter referenda, and board policies have effectively eliminated or reduced support for programs that target students based on race or ethnicity. The devastating decline in minority postsecondary education enrollments in Texas and California are well documented.

For many postsecondary education leaders, these actions have increased their concerns that students of color will perceive college as inaccessible and inhospitable, and therefore not seek postsecondary education as a goal. They fear that without concerted and targeted commitment to support diversity and affirmative action, similar actions will follow.

The following examples illustrate the focus and scope of challenges to affirmative action and diversity:

Lawsuits challenging affirmative action admissions and student aid policies: In March 1996, the Fifth Circuit Court of Appeals ruled in the case *Hopwood v. State of Texas* that the University of Texas at Austin law school's consideration of race or ethnicity in the admissions process violated the Fourteenth Amendment of the U.S. Constitution. The case was appealed to the U.S. Supreme Court, which denied the state's petition for certiorari on July 1, 1996. In August 1996, the Texas Attorney General advised Texas higher education institutions

that *Hopwood* required that admissions, financial aid, and student retention programs be administered on a race-neutral basis. That advice was finalized in an official opinion in February 1997.[7]

Similar lawsuits focused on admissions criteria and student aid eligibility recently have been brought at university systems across the country. For example, cases are pending at the University of Michigan at Ann Arbor covering programs in the law school, literature, and arts and sciences. A similar challenge exists at the University of Washington Law School. A recent lawsuit in Oklahoma focuses on the Academic Scholars Program. In the 1994 decision of the Fourth Circuit Court of Appeals, *Podberesky v. Kirwan*, specified types of race-based financial aid at the University of Maryland were invalidated. The Court's jurisdiction covers the states of Maryland, West Virginia, Virginia, and South Carolina.

School Desegregation Cases and Selective Admissions in "Magnet Schools": During the past decade, there has been a definitive move away from federal court supervision of local school districts. More and more districts have been declared "unitary" or released from desegregation orders. Many of these actions took place after the Supreme Court ruled in 1990 in the case of *Board of Education of Oklahoma City v. Dowell*. Court language now allows a district to be freed from court supervision once it eliminates the vestiges of segregation "to the extent practicable."

In the case of selective admissions policies to popular "magnet" schools, the court rulings are far from definitive. White students and some minorities in several cities have challenged such programs, most notably in Boston, San Francisco, Arlington, Virginia, and Montgomery County, Maryland.

A white student who challenged the district's 35 percent set-aside of seats for African Americans and Latino Americans sued Boston Latin High School in 1995. While the district changed its policies, these policies were again challenged because they continued to take race into account in admissions. In June 1998, a U.S. district judge upheld Boston's current race-conscious admissions policy. This ruling however, contradicted the findings of another district court on a similar case in Arlington, Virginia. Both cases are on appeal in the First and Fourth Circuits. Contrary rulings, some predict, may lead to review by the Supreme Court.[8]

Voter referenda modifying affirmative action state laws: The American Civil Rights Institute successfully pushed two ballot initiatives in California in 1996 and in Washington in 1998. California's Proposition 209 bars state and local governments, public university systems, state community college districts, public schools, and any other governmental entity from discriminating or granting preferential treatment "to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting."

> "For many postsecondary education leaders, these actions have increased their concerns that students of color will perceive college as inaccessible and inhospitable..."

Modeled after California's Proposition 209, Washington's Initiative 200 prohibits state and local agencies from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. The measure does not define the term "preferential treatment," and does not specify how continued implementation or enforcement of existing laws will be affected. The impact of the measure thus depends on how its provisions are interpreted and applied. Additional state ballots can be expected in the Year 2000 elections.

During the 1998 legislative sessions, proposals to eliminate programs that take race and gender into account in government hiring, contracting, or university admissions were introduced in 16 states. The South Carolina Assembly was the only

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legislative body that considered such a measure, voting to approve it. In 1999, state legislation is pending in South Carolina, Missouri, Texas, and Michigan.

Higher education board policies eliminating affirmative action programs: Prior to the 1996 passage of Proposition 209 in California, in July 1995 the University of California Board of Regents passed resolution SP-1, a policy eliminating consideration of race, ethnicity, and gender in admissions. No other state postsecondary education systems have adopted this measure. However, legal challenges to affirmative action have pressured individual campuses to review or change their affirmative action policies, including the University of Virginia and University of Massachusetts at Amherst.

All of the above actions, combined with an uncertain legal environment at both the state and federal levels, could further dismantle affirmative action programs and seriously threaten diversity at educational institutions, especially those with selective admissions policies.

Continuing confusion from federal courts and executive branch agencies: In 1978, a divided Supreme Court in the *Bakke* case ruled that admissions officers could "take race into account" as one of several factors in evaluating minority applicants in comparison with other applicants. The Bakke case remains the law of the land, but the nation and the federal government appear to be as deeply divided in 1999 as the court was in 1978. Supporters of affirmative action in recent years have not been anxious to see rulings against affirmative action at the state and regional levels proceed to the Supreme Court.

Adding to the confusion are the shifting stands of the Justice Department and the Office for Civil Rights as to whether states, with formerly de jure segregation in higher education, have complied with federal law. In many cases, for example, the federal government has required states to implement specific race-based remedies to eliminate the vestiges of past segregation. The rigor at which such remediation has been enforced, however, has varied widely from administration to administration.

CURRENT STATE INITIATIVES

In many states, policies are in place to encourage secondary school students to enter postsecondary education programs and to support their academic success during their undergraduate years. These include early outreach initiatives, student aid programs, and student and academic support services. State higher education leaders have suggested that some of these strategies can be expanded and used to address diversity goals. In addition, the current scope of these state efforts include strategic plans for diversity, K-16 initiatives, teacher preparation, communications, research studies, coordination with the business community, and plans to build a public relations agenda.

Strategic Plans for Diversity

A handful of states are continuing their long-standing efforts to promote and ensure the educational success of underrepresented students. They are doing this through board-adopted strategic plans. In the current political environment, these statewide initiatives stand out as bold and encouraging models for student and institutional success.

In May 1998, the Board of Regents of the University of Wisconsin System unanimously adopted "Plan 2008: Educational Quality through Racial and Ethnic Diversity." As a continuation of the system's 1988 Design for Diversity, Plan 2008 builds a new 10-year framework to increase the postsecondary access and success of underrepresented students of color system-wide. According to President Katharine C. Lyall, "Plan 2008 reflects our commitment to expanding educational opportunity and college success for Wisconsin citizens." While the plan has been publicly criticized for foregoing numerical goals, it has been praised for its recognition and support for more direct linkages between K-12 schools and postsecondary education. System institutions will develop individual plans for meeting the following seven principal goals:

- Increase the number of high school graduates of color who apply, are accepted, and enroll at UW System institutions.
- Encourage partnerships that build the educational pipeline by reaching children and their parents at an earlier age.
- Close the gap in educational achievement by bringing retention and graduation rates for students of color in line with those of the student body as a whole.
- Increase the amount of financial aid available to needy students and reduce their reliance on loans.
- Increase the number of faculty, academic staff, classified staff and administrators of color, so that they are represented in the UW System workforce in proportion to their current availability in relevant job pools. In addition, work to increase their future availability as potential employees.
- Foster institutional environments and course development that enhance learning and a respect for racial and ethnic diversity.
- Improve accountability of the UW System and its institutions.[9]

The plan promotes the collection and analysis of good data to demonstrate effective institutional practice. Tess Arenas, Assistant to the President for Multicultural Affairs, suggested that such data will allow the UW System Office and institutions to better target their resources. "In Wisconsin, we're asking institutions to use their institutional research offices in different ways. We want to create an evidentiary base of strategies that work, and we need to learn which programs best support the educational goals for students of color."

Data have also helped focus statewide planning efforts in Connecticut. In 1985, the Board of Governors for Higher Education adopted a statewide "Strategic Plan to Ensure Racial and Ethnic Diversity in Connecticut Public Higher Education." The plan, which continues to be active policy in the state, was designed to promote diversity and to achieve parity in enrollment, graduation, and employment. It outlines two strategic goals:

- To advance or preserve the attainment of racial/ethnic parity goals established by the Board of Governors for Higher Education regarding the enrollment, retention, and graduation of underrepresented minority students at the undergraduate level.
- To measure and document the attainment or maintenance of racial/ethnic parity goals established by the Board of Governors for Higher Education regarding the enrollment, retention and graduation of underrepresented minority students at the undergraduate levels.

Similar to the Wisconsin plan, public colleges and universities in Connecticut were charged with developing institutional plans to meet the strategic goals. They were supported through resources provided under the Minority Advancement Program (MAP). MAP consists of three initiatives: the Connecticut Collegiate Awareness and Preparation Program (ConnCAP), the Minority Enrollment Incentive Program (MEIP), and the Minority Staff Development and Recruitment Program (MSDRP). According to Valerie Lewis, Deputy Commissioner for the Connecticut Department of Higher Education, the early outreach programs and affirmative action opportunities provided through the state plan have yielded impressive outcomes.

- Over the past decade, enrollment of underrepresented minority students grew by more than 93 percent from 8.8 percent in the fall of 1984 to 17.0 percent in the fall of 1995.
- Graduation of underrepresented minority students grew by more than 67 percent from 6.4 percent during the 1984-85 academic term to 10.7 percent during the 1994-95 term.
- Employment of underrepresented minority group members among the professional workforce at the public colleges and universities increased from 7.5 percent in 1983 to 13.2 percent in 1995.[10]

But state databases also document mixed results. Some racial and ethnic groups have yet to achieve the representative presence among campus bodies and staff initially hoped for by the board. Lewis emphasizes that the studies point up the need for additional resources and greater focus to poor urban communities and early preparation for college. "We should focus on what is working. Our studies demonstrate that students who were enrolled in early outreach programs show increased attendance, grade point averages, and interest in future postsecondary education. And these programs impact generations of students. Those who had opportunities to go to college have children who are going to college."

K–16 Initiatives

New approaches to effectively link K-12 and postsecondary education systems are being developed in several states, most notably in Ohio, Maryland, Georgia, Nebraska, and Missouri. These "K-16" efforts encompass early outreach and pre-college preparation and counseling, competency-based admissions, teacher education and professional development, coordination of federal, state and institutional resources, and development of databases that track student progress from entry into public K-12 education through, and in some cases beyond, college graduation.

Frequently, states are considering K-16 initiatives as a strategy for increasing postsecondary diversity. Following the adoption of California's SP-1, and the passage of that state's Proposition 209, the University of California Outreach Task Force was formed and recommended developing a plan of action to link the system with K-12 schools. The group outlined the imperative for California and

reflects a rationale for higher education's involvement in K-12 reform that most states can embrace:

> Review of performance indicators, school by school, shows a continuing pattern of differing outcomes for racial and ethnic groups in California's school system, with groups least represented in higher education remaining most concentrated in the lowest performing schools. Almost four out of every five students in these schools are either African American, American Indian, or Latino — groups with historically low rates of UC eligibility and enrollment. While factors outside of the schools also influence these outcomes, it is clear that the role of the schools is critical and that school improvement provides the most effective single means by which the University of California can assist in providing equitable opportunities for UC access by all students.[11]

In many states, higher education agencies and systems have taken a lead to develop and promote these efforts. For example, the Georgia University System leads the P-16 Initiative in Georgia in partnership with three other state agencies: the Office of School Readiness, Department of Education, and Department of Technical and Adult Education. The strategy has five goals aimed at increasing these levels of educational attainment:

- Improve student achievement from pre-school through postsecondary education.
- Help students move smoothly from one education system to another.
- Ensure all students who enter postsecondary education are prepared to succeed.
- Increase access and success of all students in postsecondary education, especially from minority and low-income groups.
- Co-reform teacher education and public schools toward practices that result in all children and youth meeting high academic standards.

An essential element of the P-16 partnership is to set clear standards as to what students should know and be able to do from pre-school through postsecondary education. These standards currently are being developed and linked with new admissions requirements for University System of Georgia institutions that will go into effect in 2001. A new statewide program called the *Postsecondary Readiness Enrichment Program (PREP)* provides additional support services to students in grades 7-12 identified as "at risk." These services are provided year-round through after-school activities and summer camps, and include special instruction in academic readiness skills, cultural enrichment, leadership development, self-esteem building, and career exploration.

> "New approaches to effectively link K-12 and postsecondary education systems are being developed in several states..."

To help build academic aspirations and goals beyond high school, PREP also provides resources to local and regional P-16 councils to organize campus visitation days for every seventh grade student in the state. For students entering postsecondary programs, financial support covering tuition, fees, and book allowance is available through the *Helping Outstanding Pupils Educationally (HOPE)* Scholarships. To be eligible, students must maintain a B grade point average in high school college preparatory curriculum courses and sustain these grades throughout their undergraduate program.

Recognizing that policies and programs cannot be linked in the absence of good data, the P-16 initiative has developed a new statewide data system that will connect student information across the four participating agencies. The goals of the data system are to monitor student progress from pre-school through postsecondary education and into the labor market; allow for early detection and remediation of difficulties in student achievement; and support policies and programs aimed at student success at each level of education.[12]

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Teacher Education

Because students cannot reach their academic potential in the absence of good teachers, many states are targeting teacher education and professional development as the key link to improving the collegiate preparation and success of students of color. As described earlier, teacher education is often connected to comprehensive K-16 initiatives.

In 1998, the New York State Board of Regents and the New York State Education Department published its framework for teacher education reform in the state. According to Gerald Patton, Deputy Commissioner for Higher Education, "the teacher reform agenda will be a mechanism for better preparing students of color. The goal is to get both students and teachers to meet high standards. Postsecondary education institutions are going to have to align standards in pre-service programs with K-12 standards." Included in the recruitment strategies proposed in the plan are three programs that have as priorities improving the number and status of certified minority teachers. The Teacher Incentive Program, College/University Incentive Program, and Master Teacher Program will increase the number of certified minority teachers employed in the state, the number of paraprofessionals and minorities receiving state certification, and the number of outstanding teachers, including minority teachers, who qualify for advanced certification and recognition by the National Board for Professional Teaching Standards.[13]

Some states offer incentive funding programs to public four-year institutions to recruit underrepresented students of color. For example:

- Missouri — The Missouri Coordinating Board for Higher Education Funding for Results program rewards institutions that design programs aimed at attracting and preparing qualified students for the diverse challenges facing the state's teaching workforce.
- Oklahoma — Quality Initiative Grants offered by the Oklahoma State Regents for Higher Education encourage innovation and high quality in teacher education. The Oklahoma Minority Teacher Recruitment Center targets minority students and teachers, but encourages all students — K through 16 — to take advantage of its services.
- Ohio — The Ohio Board of Regents and State Department of Education jointly fund the Ohio Projects for a Diversified Teaching Force. These grants allow colleges and universities, in partnership with school districts, to design programs that recruit students, incorporate knowledge and understanding for diversity in pre-service and in-service education, and design strategies to increase student and teacher retention rates. Through state resources, early outreach centers provide information and support services to promote student success in teaching.[14]

Early Outreach

Most states have focused some level of effort on increasing student preparation for college. In a 1998 SHEEO survey, *Statewide College Admissions, Student Preparation, and Remediation Policies and Programs*, more than two-thirds of state higher education agencies had early outreach programs to increase student preparation for college in place.[15] Many of these programs focus on access to college for underrepresented minorities and/or students from low-income families. The following examples illustrate the variety of these programs across the country.

- The *Get Ready!* program directed by the Minnesota Higher Education Services Office encourages preparation for college in the fourth grade and focuses on low income students of color and families whose children are the first generation to attend college.
- The Minority Educational Achievement category of the *Higher Education Cooperation Act Grant Program* sponsored by the Illinois Board of Higher Education supports a variety of early outreach programs to encourage and prepare minority students for entry and success in higher education.

- The New Mexico *Early Intervention and Scholarship Program* focuses on elementary and middle school students from demographic groups with historically low postsecondary participation rates.
- Oklahoma's *Higher Learning Access Program* targets low-income eighth and ninth grade students for challenging college preparation programs, and provides summer academies for additional science and mathematics experiences.
- *The Children's Crusade for Higher Education* in Rhode Island provides sustained intervention services and scholarship incentives for low-income youth. Students enroll in the third grade and participate in a variety of enrichment and academic support programs leading to high school graduation. Scholarships are available to students admitted to colleges, junior colleges or trade schools, as well as assistance for those students participating in union apprenticeship programs.

Through certain federal programs, every state is eligible for funding to support initiatives to enhance student preparation and provide linkages between educational systems. For example, TRIO Programs in the Higher Education Act provide mentoring and tutorial support for secondary school students in low-income areas. The National Science Foundation has competitive funds for three systemic initiatives — state, rural, and urban — in mathematics and science. All of these programs especially target underrepresented students.

As part of the 1998 reauthorization of the Higher Education Act, new federal programs and resources on early outreach provide competitive state and partnership grants that support early college preparation and awareness activities, including scholarship opportunities for participating students.[16] One such program is GEAR UP — Gaining Early Awareness and Readiness for Undergraduate Programs. In many states, state higher education leaders are building collaborative efforts with their state departments of education capitalizing on these new resources to help them coordinate and leverage state programs and resources as a way of improving the college preparation, access, and success of underrepresented students.

Need-based Student Aid and State Scholarship Programs

One of the key barriers to postsecondary education access for many underrepresented students is the lack of financial resources and information on college costs and financial aid. Several states have tied financial aid to their early outreach and minority student access programs.

"Several states have tied financial aid to their early outreach and minority student access programs."

"In Minnesota, we have made a great commitment to financial access, need-based financial aid, and support to low-income families," noted Robert Poch, Director of the Minnesota Higher Education Services Office. "Our programs place heavy emphasis on early outreach and information dissemination to first generation students of color on how to access postsecondary education programs. The Minnesota Promise Program is designed to get information out to students early and offer guarantees for postsecondary education access and support."

Connecting financial aid to academic support programs has been a tried and true strategy. A recent report by The College Board holds up the federal TRIO program as a model. Part of the Higher Education Act, TRIO provides information, outreach, counseling and academic support to students from the lowest socioeconomic levels. The College Board reports that even though the program consistently demonstrates successful outcomes, it reaches too few students. "TRIO appropriations have increased over the years to more than half a billion dollars, yet these programs are estimated to serve less than 10 percent of the eligible student population."[17]

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Merit-based Programs

New merit-based scholarships that have been established in a number of states seek to increase the preparation of students through their eligibility criteria. For example, Georgia's HOPE Scholarship is provided to all students in the state who earn a B average in high school college preparatory courses, and maintain a B average in college. The scholarship covers tuition and fees and includes a book allowance.

"One effect of HOPE," says Joseph Creech, Director of Educational Policies at the Southern Regional Education Board, "is that students and their parents have become more aware of the various resources that are available to fund their college education. A requirement of HOPE is that students must apply for federal Pell Grants. Today in Georgia, more students are applying for and receiving Pell Grants than ever."

Creech also suggests that the simple message of HOPE has directed more students to college. "Tied to the financial incentive, students now have clear information about what they need to do to get into college."

Similar scholarships are available in Florida, Kentucky, Louisiana, Maryland, and South Carolina.[18] The HOPE model has been used as part of eligibility for the federal GEAR UP dollars. States must include a scholarship component in their early outreach and preparation proposals.

Critics of the HOPE model note the contrast between the standards applied in these programs (a B average) and the standards applied in the highly successful GI Bill of the 1950s and 1960s. This program required "satisfactory progress" which effectively amounted to a C standard.

Communications

A more aggressive communication strategy also is being tried at the national level and in several states. What provides young people aspirations to go to college? Often, they hear the collegiate message from other students. In Minnesota, the Higher Education Services Office uses work-study and financial aid dollars to recruit "student ambassadors" who will go into the schools to communicate the importance of a college education.

- North Dakota's Higher Education Resource Organization for Students (H.E.R.O.S) is a statewide network of Native American program directors, diversity representatives, and other campus personnel involved in diversity initiatives. At annual meetings and other forums, participants share information about student services and academic support programs and develop strategies for effectively directing students to programs that can ensure their postsecondary success.
- "Think College Early" is an initiative launched by the U.S. Department of Education to gather and disseminate publications, examples, and strategies to help middle school students prepare for college academically and financially. Information for students, educators, and parents is provided on the federal website at <www.ed.gov/thinkcollege/early>.
- "College is Possible" is a national education campaign to provide information and resources to American families and students on ways to pay for college. The campaign is a collaborative effort of 21 national education associations. The campaign website <www.collegeispossible.org> provides electronic links and information on books, websites, and brochures recommended by admissions and financial aid professionals from across the country.
- "Establishing Diversity — as an educational and civic priority," an initiative of the Association of American Colleges and Universities, uses print and electronic resources to disseminate best campus policies and practices regarding diversity. (See <www.aacu-edu.org/Initiatives/priority4.html>.) The diversity website <www.inform.umd.edu/diversityweb> includes a "newsroom," which is an editorial resource for the media on campus diversity issues within higher education, the workplace, and the community.

New Research Studies

The debate on postsecondary diversity, both at the national and state levels, centers on college admissions. In *The Shape of the River*, William G. Bowen and Derek Bok assert that consideration of race in admissions has been most pronounced as a legal or policy issue in selective institutions. Critics of affirmative action have focused on the question of who "merits" or "deserves" a place in the freshman class. Those in favor of a formula approach point to the power of test scores and high school grades to predict college performance in the freshman year. The Bowen and Bok study reminds of the greater importance of long-term outcomes. "It is the contributions that individuals make throughout their lives and the broader impact of higher education on the society that are finally the most relevant."[19]

Bowen and Bok suggest that after initially determining which students are deemed intellectually capable of completing the academic program and benefiting significantly from the experience, admissions officers typically place considerable weight on four other considerations for admissions:

- Students who show particular promise of excelling in their studies,
- Students with a wide diversity of backgrounds, experiences, and talents,
- Students who are especially likely to use their education to make valuable or distinctive contributions to their professions and to the welfare of society,
- Students who continue a legacy or longstanding connection to the institution (for example, their parents or family members were former students, their parents are on the faculty or staff of the institution, or they attended local feeder secondary schools).[20]

In general, students — minority and non-minority — who graduated from the institutions selected for the study fulfilled key goals for admissions. The authors' conclusions pick up other issues that leaders throughout postsecondary education should consider:

The meaning of "merit" in the admissions process has not been clearly articulated.

"There are no magical ways of automatically identifying those who merit admission on the basis of intrinsic qualities that distinguish them from all others. Test scores and grades are useful measures of the ability to do good work, but they are no more than that...Taken together grades and scores predict 15–20 percent of the variance among all students in academic performance and a smaller percentage among black students." (pp 276–77)

Race is an important factor in identifying individuals of high potential.

"Race is an important factor in its own right, given this nation's history and the evidence presented in many studies of the continuing effects of discrimination and prejudice. Wishing it were otherwise does not make it otherwise. It would seem to us to be ironic indeed — and wrong — if admissions officers were permitted to consider all other factors that help them identify individuals of high potential who have had to overcome obstacles, but were proscribed from looking at an applicant's race." (pp 278–79)

All students benefit educationally from diversity on the campus.

"Until now, there has been little hard evidence to confirm the belief of educators in the value of diversity. Our survey data throw new light on the extent of interaction occurring on campuses today and of how positively the great majority of students regard opportunities to learn from those with different points of view, backgrounds, and experiences." (pp 280)

Higher education has an obligation to address long-term societal needs

"American society needs the high achieving black graduates who will provide leadership in every walk of life. This is the position of many top officials ...(and) CEOs." (pp 283)

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Limitations of the Bowen/Bok Study

A concern raised by critics of the Bowen/Bok study has been its narrow focus.[21] Public flagship institutions were not part of the study (with the exception of the Pennsylvania State University, the University of Michigan at Ann Arbor, and the University of North Carolina at Chapel Hill). The study focused on only one underrepresented student population, African Americans. Information on student transitions from the extensive databases of the National Center for Education Statistics, U.S. Department of Education, was not tapped.

Clifford Adelman of the U.S. Department of Education argues that the Bowen/Bok study relies too heavily on the admissions issue and thereby fails to address a critical public policy concern: how to meet the educational needs of the more than 80 percent of African American and Latino American students who are enrolled in non-selective post-secondary institutions across the country. Adelman suggests that higher education institutions should focus their resources on and support high quality college preparation programs for underrepresented minorities.[22]

Many state higher education leaders feel that a comprehensive examination of admissions issues and early outreach approaches are needed. They argue that the selection issue and its impact on underrepresented students of color are important to public policy. "In Texas, the end of affirmative action at the University of Texas at Austin and selective professional programs led to a drop-off in minority student participation," said Don Brown, Commissioner of the Texas Higher Education Coordinating Board. "We need to examine the impact that the elimination of affirmative action policies have on minority students' interest, college-going decisions and institutional selection."

Molly Broad, President of the University of North Carolina System, emphasized that how institutions react to changes in affirmative action is important. "A rigorous national study should build on the conclusions of the Bowen/Bok study and look at how colleges and universities achieve their diversity. So that all underrepresented students are served, we should examine strategies that increase access at relatively open institutions."

Involving Business Leadership

Leaders of business and industry have compelling interests in supporting diversity in postsecondary education: access to an educated, highly skilled workplace. Most recognize the impact of state demographics and low levels of academic achievement of underrepresented students of color. In recent state reports, higher education leaders have underscored this point. For example, the Texas Higher Education Coordinating Board emphasized "that by the year 2010, no one racial or ethnic group will be in the majority. A failure to act now will result in a large part of the Texas population being underprepared to compete in and contribute to our highly complex and technical work world and society"[23]

In *The American Mosaic — An In-Depth Report on the Future of Diversity at Work,* Anthony Carnevale and Susan Carol Stone write that while EEO and affirmative action initiatives may have initially driven business organizations to seek diversity, they now have other compelling, more pragmatic reasons for doing so.

> ...demographic changes have created a more diverse society. In the workforce, too, these shifts and the impact of civil rights and follow-on movements have generated changes. Further, we have shown how new economic forces are creating conditions in which the most productive organizations, organizations with a competitive advantage, are those that welcome the diversity resident among their workers. Workers in an environment receptive to diversity are empowered to use their full capacities and, as a result, they, their work, and the organization as a whole benefit. Welcoming diversity is directly connected to the bottom line.[24]

For this reason, major corporations were visible in the fight to defeat Initiative 200 in Washington.

In paid advertisements, Microsoft, Starbucks, Weyerhaeuser, and Boeing emphasized the impact of the initiative on the Washington economy. Katharine Lyall, President of the University of Wisconsin System, suggests, "State higher education leaders could learn from business models about how to effectively increase diversity at public post-secondary institutions." Others agreed, adding that they also could more fully capitalize on the highly persuasive support the business community and business leaders can provide on this issue by using them as key spokespersons to communicate to the general public the benefits of a fully integrated, educated, and employed society.

Building a Public Relations Agenda

A proactive strategy for promoting a state-level diversity and equity agenda involves the creation of a relevant public information campaign. Effective use of data collected through public opinion polls and surveys of voters, students, employers, and others may deflate political initiatives targeting affirmative action. As part of its *Campus Diversity Initiative*, the Ford Foundation has developed a useful model that states might want to replicate. The effort examines strategies for communicating the value of diversity in higher education. Public opinion research firms design surveys and conduct focus groups to explore public attitudes about diversity in education.

A national poll of diversity in higher education, conducted during the summer of 1998, surveyed 2,011 registered voters across the country. The findings suggest clear public support for diversity initiatives. For example:

- Two in three Americans say it is very important that colleges and universities prepare people to function in a diverse society.
- Fifty-five percent say that every college student should have to study different cultures in order to graduate.
- By a margin of more than three to one, those who have an opinion say that diversity programs in colleges and universities raise rather than lower academic standards.
- Nearly three in five (58 percent) say our nation is growing apart, and 71 percent say that diversity education on college and university campuses helps bring society together.[25]

Representatives from the University of Michigan and the University of Wisconsin System suggest that the findings from this and similar public opinion polls and surveys will help build support for their diversity initiatives. "Our public opinion studies will help us present a case that diversity helps all students," says John Matlock, Assistant Provost and Director of Academic Multicultural Initiatives at the University of Michigan at Ann Arbor. "More than one-half of our white students come from communities that are predominately white, and more than one-half of the African American students come from predominately African American communities. We need to raise critical issues about what it means to be educated for a multi-cultural world."

> "State higher education leaders could learn from business models about how to effectively increase diversity at public post-secondary institutions."

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NEXT STEP INITIATIVES

for SHEEO and The College Board

At the regional discussions, SHEEO members identified gaps in their current efforts and considered strategies for more effectively using these initiatives to support the access and success of underrepresented students of color. They recognized that many of the current activities may be too narrow and some may not adequately address their expectations and goals.

The following are issues that participants suggested would be helpful to them in meeting the challenges to increase diversity in their states' postsecondary education programs. They have urged SHEEO and its partnership with The College Board to further explore the following issues and use them as a basis for conducting research and embarking upon a national action agenda.

The Research Agenda

- Effects of the elimination of affirmative action programs on minority enrollments at selective institutions vs. open door institutions.
- Consequences of these changes on predominantly minority institutions (namely, Historically Black Colleges and Universities and those affiliated with the Hispanic Association of Colleges and Universities).
- Characteristics of effective early outreach programs.
- Status of state funding for diversity initiatives.
- Effective balance between institutional funding and student aid.
- Impact of price increases on access.
- Effect of HOPE Scholarships on students of color.
- Characteristics of colleges that are most effective in enrolling and graduating minority students.

The Action Agenda

- Develop effective communications strategies to parents and students.
- Align state K-12 and postsecondary education systems supporting student preparation, access, and achievement.
- Link federal and state programs on early outreach and student aid (for example, GEAR UP and TRIO).
- Establish new partnerships with leadership in business and industry.
- Identify and support effective collegiate level strategies to retain minority and underrepresented students.
- Build political alliances around early intervention.
- Express concrete goals for diversity in well-articulated state plans.

CONCLUSION

To many in higher education, the effects of recent lawsuits and state voter referenda are disturbing and disconcerting. To others, however, these events have been a wake-up call that new approaches and renewed commitment to equal opportunity are needed.

Both within the framework of the law and what is just and right for society, SHEEO and The College Board remain committed to the agenda before us: namely, equal opportunity to higher education for all citizens and greater success for those underrepresented students of color in postsecondary education programs.

We encourage state higher education leaders to join with us in meeting this critical challenge.

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[13] *New York's Commitment, Teaching to Higher Standards* (Albany, New York: The New York State Board of Regents and the New York State Education Department, July 1998).

[14] Rodriguez, Esther M., *Preparing Quality Teachers: Issues and Trends in the States* (Denver, CO: State Higher Education Executive Officers, July 1998).

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[17] Gladieux, Lawrence E. and Watson Scott Swail, "Financial Aid is Not Enough. Improving the Odds of College Success," *The College Board Review* (Summer 1998).

[18] Creech, Joseph D., *State-funded Merit Scholarship Programs: Why are they popular? Can they increase participation in higher education?* (Atlanta, Georgia: Southern Regional Education Board, December 1998).

[19] Bowen and Bok, *The Shape of the River.*

[20] Ibid.

[21] The authors note that they were intentionally narrow in their study focusing primarily on (a) higher education, (b) highly selective institutions, (c) the selection process for African American and white students, and (d) higher education admissions policies. Their source of data for the study also was narrow, derived primarily from a database called *College and Beyond* built by the Andrew W. Mellon Foundation. The database contains records of approximately 80,000 undergraduate students who matriculated at 28 selective colleges and universities in the fall of 1951, the fall of 1976, and the fall of 1989. Data were collected from individual institutions (for example, student records and transcripts), and student surveys.

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RECENT POLICY DEVELOPMENTS AFFECTING DIVERSITY IN POSTSECONDARY EDUCATION PROGRAMS

A Review of Activities in Selected States, June 1999

State Agency	Have recent institutional board policies, voter referenda, court rulings, and suits on affirmative action affected the state climate of support for minority student access and achievement?	What actions by SHEEO agencies have been initiated or are contemplated in the face of these challenges to affirmative action?
Arizona Board of Regents		As the national debate on affirmative action intensified during 1995, the Arizona Board of Regents (ABOR) began an orderly public policy discussion regarding the use of targeted student financial aid at the three public universities. In September 1995, the Board received written materials and heard a panel presentation that reviewed the legal and policy framework in which activities and initiatives that are broadly characterized as "affirmative action" are undertaken at the universities in the following categories: employment, student admissions, student financial assistance, procurement, and student and academic support services. The Board heard public comments from 19 individuals, including students and faculty from the universities, elected and appointed officia's, representatives of various university and community constituencies, and representatives from th. private sector. During that dialogue, Board members and the university presidents acknowledged the significant progress that has been made in achieving the Board's objectives regarding diversity and the need to continue and in some cases strengthen the universities' ongoing efforts to achieve diversity. At the same time, there was recognition of the need for continuous review and reevaluation not only of the underlying objectives, but also of the means used to accomplish those objectives. In November 1995 the university presidents proposed that each university would undertake a comprehensive internal review of programs or activities that fall within the "affirmative action" characterization. Each program will be reviewed for compliance with the ABOR legal and policy framework, and whether the program or activity is consistent with and still necessary to carry out its original objectives. The self-studies, together with any recommendations for change, were to be reviewed by the Board. As the decision to conduct the self-studies jelled over a period of time, Board members and the university presidents recognized the imperative that the proposed self-studies be conducted in an environment conducive to open and frank discussion, allowing and stimulating objective analysis of the best ways to pursue diversity on each campus. It was suggested that a reaffirmation of the Board's underlying commitment to diversity would send a positive message that would enable the self-studies to move forward in a constructive way. The Board reaffirmed its underlying and ongoing commitment to diversity both among the workforce and among the student population. In August, 1996 the Board reviewed each university's self-study, which demonstrated the university's willingness to apply a critical analysis to it's activities and to make changes, where appropriate. The universities moved or are moving in the direction of expanding outreach efforts to include the broadest possible segment of Arizonans. There have not been any other initiatives in the affirmative action area since the August 1996 Board meeting.

State Agency	Have recent institutional board policies, voter referenda, court rulings, and suits on affirmative action affected the state climate of support for minority student access and achievement?	What actions by SHEEO agencies have been initiated or are contemplated in the face of these challenges to affirmative action?
California Postsecondary Education Commission	In June of 1995, the Regents of the University of California passed SP-1, which barred consideration of race, ethnicity, gender, color, or national origin in employment, admission, and contracting decisions. The regents, however, affirmed a commitment to diversity in student enrollment. In the 1996 general election, the voters of California approved Proposition 209, which barred granting preference to individuals on the basis of race, ethnicity, gender, color, or national origin in public employment, public education, and public contracting. Shortly after passage of Proposition 209, former governor Pete Wilson issued an executive order for all public agencies (and requested public colleges and universities) to review all policies, programs and practices and, where necessary, modify them to remove any preferential consideration on the basis of race, ethnicity, gender, color, or national origin.	The California legislature appropriated an additional $38.5 million for fiscal year 1998-99 to increase university pre-collegiate outreach efforts aimed at increasing the number of students from underrepresented groups. The legislature also requested public schools and universities to expend another $31 million for this purpose, and is considering appropriating an additional $2-4 million to increase information dissemination to middle school students and parents about college and financial aid opportunities and requirements. In March 1999, the University of California Regents adopted a new path to attaining UC eligibility that recognizes "superior academic performance in the local environment of the individual high school." Dubbed the "four percent" path, this new path would guarantee admission to a University of California campus for all public high school juniors who have completed 11 of the 15 prescribed courses and rank within the top four percent of their high school class. Admission is contingent on remaining in the top four percent during senior year, completing the remaining prescribed courses, completing an application form, and completing the full battery of admission tests (SAT I or ACT and three SAT II tests), although the scores will be irrelevant to admission. This policy is scheduled to begin with the freshman class entering in fall 2001. The California State Board of Education adopted a set of academic content standards last year in four disciplines that every public school is expected to teach. The content standards are differential by grade level and reasonably aligned with admission requirements of the selective public universities in California. The State Board is expected to adopt grade-level performance standards in each of these content areas and assessment instruments in the near future. It is hoped that this action will move the state closer to the "level playing field" in education that affirmative action opponents and proponents alike believe is essential to equal opportunity and equity. The California Postsecondary Education Commission issued a report in December 1998 entitled, "Toward a Greater Understanding of the State's Educational Equity Policies, Programs, and Practices," in an attempt to clarify myths and realities in California public postsecondary education. The California State University Board of Trustees has endorsed efforts of Chancellor Charles Reed to strengthen teacher preparation programs in the state to improve the quality of new teachers — in both academic and pedagogical competency — to teach a diverse group of elementary and secondary school students in the new academic content areas. The Chancellor also has announced an intention to repackage instructional delivery to better meet the needs and availability of existing teachers for in-service training and skill upgrades.
Connecticut Board of Governors for Higher Education	No	There have been no organized challenges to affirmative action in Connecticut. The state's *Strategic Plan to Ensure Racial and Ethnic Diversity in Connecticut Public Higher Education* has been strengthened structurally as well as financially. The annual state appropriations for the *Strategic Plan's* Minority Advancement Program (MAP) has grown incrementally each year from $1.2 million in 1990 to $2.8 million for fiscal year 2000. Reflecting the development focus of the *Strategic Plan*, the Connecticut Collegiate Awareness and Preparation

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State Agency	Have recent institutional board policies, voter referenda, court rulings, and suits on affirmative action affected the state climate of support for minority student access and achievement?	What actions by SHEEO agencies have been initiated or are contemplated in the face of these challenges to affirmative action?
		Connecticut continued (ConnCAP) Program remains the primary initiative of MAP and now supports 14 precollege programs at colleges and universities throughout the state. The former Minority Enrollment and Incentive Program has been restructured as the Connecticut College Access and Success (ConnCAS) Program. Since, in an aggregate sense, the undergraduate enrollment of underrepresented minority students at the state's 17 public colleges and universities has reached parity with their proportion in the state's population, the restructured grant incentive program places a greater emphasis upon student retention which remains problematic for underrepresented minority students. A new programmatic initiative, the Connecticut College Admission and Bridge (ConnCAB) Program was recently established to assist colleges and universities in transitioning marginally prepared students from high school to college. Students from all racial and ethnic groups are eligible to participate in MAP initiatives that place a special emphasis upon students from low-income backgrounds. The Minority Staff Development and Recruitment Program has been eliminated as a grant program since, in the aggregate, underrepresented minorities have achieved parity in their employment as professionals on the campuses of the state's public institutions of higher education. However, the Board of Governors for Higher Education maintains oversight of minority employment and advocates for the achievement of parity in all professional employment categories at every campus. A final sign of the strength of affirmative action in Connecticut is the state legislature decision in 1998 to establish a Minority Teacher Program. This program will be funded for the next biennial at $500,000 per year to underwrite 50 scholarships for minority students enrolled as juniors and seniors in education majors. The program rules also stipulate that these students, upon graduation, will receive loan reimbursements for up to four years if they teach in Connecticut. Taken together these actions constitute strong continuing support for affirmative action.
Florida Postsecondary Education Planning Commission	A petition drive to put the issue of ending racial preferences on the ballot in Florida is currently being led by supporters of California's Proposition 209.	Florida continues to support a number of initiatives to assure equal opportunity at all levels of postsecondary education. The Postsecondary Education Planning Commission is in the process of updating its publication, *Programs to Enhance the Participation of Minority and Disadvantaged Students in Postsecondary Education.* The document was last published in 1996.
Board of Regents of the University System of Georgia	In October 1994, the Board of Regents of the University System of Georgia adopted their strategic plan that included the goal to create the broadest possible access to public higher education. Following the *Hopwood* decision in Texas, Georgia Chancellor Stephen Portch asked all 34 institutions to *continued*	In conjunction with the new admissions requirements, the Board has approved a number of policy directions that contribute to student preparation by addressing the long- and short-term needs of students who have historically been underprepared for college-level work. These initiatives include: • Georgia P-16 Initiative — a long-term effort to create seamless educational opportunities for students from pre-school through completion of some form of postsecondary education, regardless of race, economics, or geography. *continued*

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State Agency	Have recent institutional board policies, voter referenda, court rulings, and suits on affirmative action affected the state climate of support for minority student access and achievement?	What actions by SHEEO agencies have been initiated or are contemplated in the face of these challenges to affirmative action?
	Georgia continued conduct a review of admissions policies. The survey found that only one institution, the University of Georgia, used race in its undergraduate admissions process, and then only in a small percentage of admissions. The Chancellor instructed all institutions to continue their then-current admissions practices. In July 1997, a lawsuit was filed challenging the System's use of affirmative action in college admissions — specifically at the University of Georgia — and the continued existence of the System's three historically black colleges and universities. In January 1999, the federal judge hearing the suit — *Michael C. Wooden, et. al. v. Board of Regents and Dr. Stephen R. Portch* — ruled that UGA's racially based, dual-track admissions policy in place in 1995 was unconstitutional. He did not rule on the portion of the suit that deals with UGA's post-1995 admission policy. In March 1999, the judge dismissed that portion of the suit that addressed the historically black colleges on the grounds that the plaintiffs named had no standing to file the suit. The Board adopted its new "Admissions Policy Direction" in 1996, aimed at ensuring access and diversity in Georgia's public higher education institutions. The policy direction takes the approach that all students, regardless of race, income or geographic location, should receive rigorous educational preparation. Under the Regents' new admissions requirements, all students will be expected to come to a state college or university having fulfilled more rigorous college preparatory curriculum requirements.	*Georgia continued* • Postsecondary Readiness Enrichment Program (PREP) — a short-term solution to the need to provide a safety net for students who need supplemental assistance to meet higher standards at the postsecondary level. Specifically, PREP addresses the needs of students who have been historically underrepresented in higher education. About 14,000 students from 133 high school and 249 middle schools through the state participate; over 5,000 of these students have participated in two-week summer enrichment programs on college campuses. Additionally, 33,000 middle school students visit a college or technical institute campus each year to learn about admission requirements and to interact with faculty and students • Teacher Preparation Initiative — to enhance the preparation of teachers who are able to help students in the schools achieve at high levels. The Regents also have approved initiatives to strengthen the system's three historically black colleges and universities (HBCU), and, in doing so, position these institutions as important resources and centers of education, service and research for all students, regardless of race. This is being accomplished through the Board's initiative, "The Next Step — Taking Graduate Education to the Next Level." Now in its third year, this program is strengthening selected graduate programs in key fields at the three HBCUs in the state.

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State Agency	Have recent institutional board policies, voter referenda, court rulings, and suits on affirmative action affected the state climate of support for minority student access and achievement?	What actions by SHEEO agencies have been initiated or are contemplated in the face of these challenges to affirmative action?
Board of Regents of the University of Hawaii System	The U.S. Supreme Court has agreed to review and decide the *Rice v. Cayetano* case in the year 2000. In this case, public election for the Office of Hawaiian Affairs is limited to Native Hawaiians. The Court will decide if this restriction discriminates based on race/ ethnicity or if it supports a non-discriminatory political status of Native Hawaiians due to their special relationship to the state and federal government. The State of Hawaii supports the special status of Native Hawaiians. The outcomes of *Rice v. Cayetano* may have an impact on affirmative action throughout the state. Providing tuition waivers to all Native Hawaiians attending the University of Hawaii system has been discussed recently by the state legislature and the University of Hawaii Board of Regents. The legislature has not passed any legislation on this matter.	The University of Hawaii continues to monitor U.S. Supreme Court cases as well as cases at lower jurisdictions. University program staff have been reminded that their programs must continue to meet the standards of *Bakke* and staff meet regularly for updates, to develop a student affirmative action plan, and to organize informal training workshops and technical assistance in reviewing programs and procedures. There has been no effort to revise the current Board of Regents' Policy on Non-discrimination and Affirmative Action. In 1996, the Board of Regents approved the University of Hawaii System Strategic Plan 1997-2007 which identified five goals, one of which is to support diversity. The University of Hawaii will continue "to champion diversity and respect for differences." This goal commits the University to "recruit and find keys to the academic success of underrepresented student populations, especially Native Hawaiians. Actively recruit underrepresented faculty and staff and support spousal hire, mentoring, and related programs." Because all ethnic/racial groups are numerical minorities, the term "minority" in Hawaii usually refers to ethnic groups underrepresented in higher education and professions in the nation and the state of Hawaii, namely, African Americans, Filipinos, Hawaiians, Native Americans, Southeast Asians, and Samoans.
Idaho State Board of Education	No	The State Board of Education has requested new monies for initiatives to enhance Hispanic and Native American participation in higher education, especially in teacher education programs. To further increase understanding for diversity, the Board has formed the 70% Committee whose charter includes examining issues concerning underprepared and underserved students. The Indian Education Council and the Hispanic Education Task Force participate in this effort.
Illinois Board of Higher Education	There have been no voter referenda, court rulings, or suits related to affirmative action in Illinois. In fall 1995, a Senate bill was introduced that would have prohibited "granting preferential treatment to any individual or group on the basis of race, color, ethnicity, gender, or national origin in public employment, public education, and public contracting." The bill was defeated in Committee after two public hearings were conducted in Chicago and Springfield. Representatives from the Board of Higher Education and Illinois colleges and universities strongly testified against the bill.	Board policies and programs supporting affirmative action were formulated in the 1970s and 1980s. No substantive policy changes have been made since that time. Grant programs to improve minority representation continue to receive strong budgetary increases. The Board of Higher Education plans to convene a committee in the spring 1999 to examine issues of access and diversity. To prepare for possible legal challenges to affirmative action, the Committee will examine alternative approaches to enhance access and improve student underrepresentation.

State Agency	Have recent institutional board policies, voter referenda, court rulings, and suits on affirmative action affected the state climate of support for minority student access and achievement?	What actions by SHEEO agencies have been initiated or are contemplated in the face of these challenges to affirmative action?
Indiana Commission for Higher Education	No	The state financial aid program, 21st Century Scholars Program, is based on socio-economic status and will continue to receive attention and funding.
Iowa State Board of Regents	There have been no voter referenda, court rulings or suits in Iowa affecting affirmative action. The Board, through a diversity study group, has worked to strengthen policies independent of the national affirmative action activities. A particular interest is to increase efforts to retain more qualified minority students at the public universities.	The Board continues to support a number of initiatives to assure equal opportunity at the Regent institutions. In 1998, the Board adopted a Strategic Planning goal as a part of its strategic plan, with specific action steps to encourage continuous improvement of the climate for diversity and to ensure equal educational and employment opportunities. The Board's Diversity Study Group is reviewing current policies and considering new approaches to achieve its goals in this area.
Kansas Board of Regents	No	The Board supports ongoing campus efforts to increase diversity.
Kentucky Council on Postsecondary Education	Although the Sixth Circuit Court of Appeals has not issued a specific decision related to admissions and race specific scholarships for postsecondary education, public institutions in Kentucky are continually reviewing policies. Since the Fifth Circuit Court of Appeals ruling in the case *Hopwood v. State of Texas*, the Kentucky Council on Postsecondary Education continually has advised the public institutions to review and revise admissions and scholarship policies. Institutions seek to comply with the U.S. Department of Education, Office for Civil Rights Advisory published in the January 31, 1994 issue of the Federal Register. The Council is not aware of any pending legal challenges in Kentucky. There is, however, a Sixth Circuit Court of Appeals case at the University of Michigan that may have a significant impact on equal opportunity planning in Kentucky. In 1979, the U.S. Department of Education, Office for Civil Rights (OCR),	

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State Agency	Have recent institutional board policies, voter referenda, court rulings, and suits on affirmative action affected the state climate of support for minority student access and achievement?	What actions by SHEEO agencies have been initiated or are contemplated in the face of these challenges to affirmative action?
	Kentucky continued cited Kentucky as having vestiges of a former *de jure* dual segregated system of postsecondary education. Under an administrative order, Kentucky developed a five-year plan to address the issues identified under the administrative order. The OCR has not released Kentucky from the requirement of equal opportunity planning. Kentucky continues to address equal opportunity initiatives under the auspices of the original administrative order by the OCR. Kentucky is presently undergoing a review of its compliance with Title VI of the 1964 Civil Rights Act. The U.S. Department of Education, Office for Civil Rights, expects to complete its work late fall or early winter 1999. The outcome of the Title VI Compliance review will dictate the next steps for equal opportunity planning in Kentucky.	
Maryland Higher Education Commission	In 1985, the U.S. Department of Education Office of Civil Rights (OCR), and the state reached an agreement on a comprehensive five-year plan to foster equal educational opportunity in public higher education. OCR agreed that the plan met the requirements of Title VI of the Higher Education Act, although final OCR approval was never given. The state continues to improve equal educational opportunities and to initiate many activities to achieve this goal, notwithstanding the expiration of the plan. In a 1994 case, *Podberesky v. Kirwan*, involving the University of Maryland, College Park, the race-exclusive Banneker Scholarship Program was found to be an unconstitutional practice and was struck down by the federal Fourth Circuit Court of Appeals. For several reasons, this case is *continued*	Consistent with *Podberesky*, the Banneker program was collapsed with the Francis Scott Key Scholarship program, is no longer race-exclusive, and is awarded solely based on academic merit. There have been fewer African American recipients of this scholarship. However, at the same time, there has been an increase in the enrollment of African American students at the University of Maryland, College Park, due, in part, to a favorable impression created by the institution's vigorous defense of its affirmative action program. Since *Podberesky*, all race-based affirmative action programs have undergone a review to ensure compliance with the standards set forth in that case. Race-exclusive provisions have generally been abolished. There remains, however, considerable room for affirmative action policies and practices at Maryland institutions which, when properly crafted, fall within the current legal framework governing diversity and affirmative action. Such programs or initiatives are being carefully considered and implemented, particularly in light of the state's continuing obligations under the law. The state has emphasized that an institution should clearly articulate its justification for any program that is race-based or where race is considered a factor among many, i.e., its diversity goals and rationale or the necessity to remedy present effects of past discrimination. Moreover, any program that satisfies the applicable legal standard can also be defended politically. Thus, carefully crafted programs are not disregarded or avoided in the face of political challenges. The development of statewide policies to improve the recruitment and retention of minority *continued*

State Agency	Have recent institutional board policies, voter referenda, court rulings, and suits on affirmative action affected the state climate of support for minority student access and achievement?	What actions by SHEEO agencies have been initiated or are contemplated in the face of these challenges to affirmative action?
	Maryland continued indicative of the difficulty of meeting the strict scrutiny standard of review, at least as it is applied in the Fourth Judicial Circuit to which Maryland belongs. First, the Banneker program was implemented pursuant to the approved OCR plan as an affirmative action program necessary to remedy the present effects of past segregation and discrimination. Even though the program was defended as necessary to meet the OCR standard for Title VI compliance, it did not satisfy judicial review under strict scrutiny. Second, the programs were invalidated even in the face of a comprehensive record containing extensive administrative and judicial (lower court) findings of present effects of past discrimination at the University of Maryland. Specifically, the lower court determined, based on OCR and university findings, that there was a "strong basis in evidence" that the university had (a) a poor reputation in the African American community, (b) underrepresentation of African Americans in its student body, (c) disproportionately low retention and graduation rates of African American students, and (d) a hostile racial climate on campus. As a result, the lower court ruled that the race-exclusive measure was justified as a remedy for the present effects of past discrimination. On appeal, however, the lower court was reversed on grounds that while there was sufficient evidence of past discrimination, there was not a sufficient showing of present effects of that past discrimination, primarily because the findings were too remote in time and were not shown to be directly connected to the conduct of the institution *continued*	*Maryland continued* students, faculty and professional staff has been a consistent goal of the Maryland Higher Education Commission. To achieve these objectives, the Commission asked each public campus to develop a minority achievement plan and to submit annual reports detailing its progress. Although the campuses are making strides in minority enrollment in general, and in enrollment in high demand fields such as science and technology, the number of minority faculty and administrators hired and retained on many college campuses remains relatively low. Continuing efforts to increase this number must be made, consistent with the reality of market forces and the availability of qualified candidates. Specific strategies necessary to ensure increased academic performance, college readiness and success for underrepresented and underserved students in postsecondary degree programs must be varied and address the issue from several fronts. A diverse student body must be taught by a well-trained and diverse faculty; faculty that is recruited and retained specifically to provide diverse backgrounds, opinions, and points of view. In order to ensure a diverse student population, those who are currently underrepresented due to underpreparedness must be identified in middle and high school and given the resources to ensure secondary school success and preparedness for college acceptance, matriculation, and graduation. Further, financial aid programs must meet the varying needs of underrepresented groups, providing incentive and the means to attain postsecondary degrees. Using federal and state funds, Maryland is directly addressing the complex issue of campus diversity through five grant programs administered by the Maryland Higher Education Commission: The Dwight D. Eisenhower Professional Development Program, the Maryland National Early Intervention Scholarship and Partnership Program, the Diversity Grant Program, the Henry C. Welcome Fellowship Program, and the Incentive Grant Program.

State Agency	How recent institutional board policies, state referenda, court rulings, and suits on affirmative action affected the state climate of support for minority student access and achievement?	What actions by SHEEO agencies have been initiated or are contemplated in the face of these challenges to affirmative action?
	Maryland continued itself. Among other things the appellate court ruled that the mere knowledge of historical facts is insufficient to connect present effects with past discrimination and that a race-exclusive measure cannot be used as a remedy for general societal discrimination. The appellate court then held that even if it had been proven that the program was necessary to remedy the present effects of past discrimination, it was not narrowly tailored to further that objective.	
The University of Michigan at Ann Arbor	Several bills have been introduced in the Michigan legislature relative to affirmative action in higher education. H.B. 4232 would prohibit the use of "group norming" in employment or higher education based on religion, race, color, national origin or sex for the purposes of selecting or referring an applicant or candidate for employment or promotion. SJR E would eliminate preferential treatment based on religion, race, sex, color, ethnicity or national origin as a criterion for either discriminating against or granting preferential treatment to an individual or group in employment, public education or public contracting. Additionally, two lawsuits have been filed against the University of Michigan challenging its admissions polices. One suit, *Gratz and Hamacher v. Bollinger, et.al.*, is against the College of Literature, Sciences, and Arts by a student who indicates that she was denied admission to the undergraduate program despite having higher grades and test scores than minorities who were admitted. The other, *Grutter v. Bollinger, et.al.*, is against	As part of a public information strategy, the University of Michigan provides documentation of the two pending admissions lawsuits and institutional reaction to these cases. On its homepage at <www.umich.edu>, the institution provides important legal filings for the undergraduate lawsuit, *Gratz and Hamacher v. Bollinger, et.al.*, and for the law school lawsuit, *Grutter v. Bollinger, et.al.* In addition, the site provides news articles and statements by University of Michigan faculty and alumni, national postsecondary education associations, and other organizations in support of diversity in postsecondary education. Findings from a recent empirical study of the educational benefits of a diverse environment to all college students by the University of Michigan are also available.

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	Michigan continued the School of Law by a student who said that he was denied admission despite having better test scores than minorities who were admitted. Separate Federal District Court Judges will hear the suits in Detroit in the fall. The University plans to vigorously defend its affirmative action policies in court and are represented by a Washington law firm. Additionally, the University of Michigan recently made public a summary of the expert witness statements that are testifying in support of the University's current policies. The University also has asked the judges to forego the trials and rule that its policies are legally based on previous decision of the U.S. Supreme Court. A number of national higher education organizations, colleges and universities, and the U.S. Department of Justice have filed *Amici Curiae* (Friends of the Court) briefs in support of the University of Michigan.	
Minnesota Higher Education Services Office	The Minnesota Attorney General's Office has suggested that the Nurses of Color Grant Program is likely unconstitutional and thus legally indefensible. Created by the Minnesota Legislature, the program provides grants to students of color in eligible nursing programs in order to encourage the racial and ethnic diversity of registered and advanced nursing labor pools in Minnesota. Further, the program awards grants to institutions for local activities designed to recruit students of color into nursing programs and to provide extra support services during their education.	The Higher Education Services Office is recommending that additional funding be directed toward early intervention programs so that persons of low income or from families with no previous postsecondary education experience can receive, through ongoing personal contact, information on academic and financial preparation for higher education attendance. Through such efforts, it is the agency's intent that persons who historically have not participated in postsecondary education will receive in greater quantity the encouragement, support, and information that many students enjoy in higher income and well-educated families.

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Mississippi Board of Trustees of State Institutions of Higher Learning	Mississippi is under a remedial decree under the Ayers case that includes race specific mandates. The most recent Court of Appeals decision in the case, issued after the *Hopwood* decision, made no mention of the implications of *Hopwood* for the decree. The agency has had a motion pending in federal court for over a year asking for guidance in light of *Hopwood*.	The Mississippi Institutions of Higher Learning continue existing affirmative action policies and programs, as well as the implementation of the race-specific components of the *Ayers* decree. Minority enrollments continue to increase, up 12% in the past five years.
Missouri Coordinating Board for Higher Education	Officially, no. Although Missouri is under the jurisdiction of the Court of Appeals for the Eighth Circuit, the ruling of the Court of Appeals for the Fifth Circuit in the *Hopwood vs. State of Texas* case has had a ripple effect in Missouri. Legislation has been introduced which would prohibit the use of race, sex, color, ethnicity or national origin as criteria for either discrimination against, or preferential treatment for, any individual or group of persons in the state's system of public employment, public education, or public contracting. To date, such legislation has not passed.	Funding for Results. Funding for Results (FFR) is Missouri's approach to performance funding. FFR is designed to acknowledge results based on previous planning priorities. Institutional budgets are increased based on performance on several FFR elements. Initially, success of minorities was included as an FFR element. In response to pressure in the post-*Hopwood* environment, the board reviewed and redesigned its FFR policy by emphasizing underrepresentation rather than minority status. Included in the FFR allocation formula are both minority and majority students with low socioeconomic status as well as minorities with higher socioeconomic status whose graduation distribution is less than their distribution in the Missouri population of 18-year-olds or older. Low socioeconomic status and underrepresentation have become drivers of policy design. Scholarship Programs. The 1998 Missouri General Assembly enacted, and the Governor of Missouri signed into law, two new major state need-based scholarship programs for Missouri's residents to access an approved Missouri postsecondary institution of their choice. The Bridge Scholarship Program was created to provide financial assistance for the first two years of postsecondary education for students who could not demonstrate sufficient tax liability to take advantage of the Federal Hope Scholarship Tax Credit. The Missouri College Guarantee Program will be available to students who demonstrate the highest financial need. It is anticipated that this program will mainly target students with zero expected family contributions and maximum Federal Pell Grant awards. To be eligible, students must achieve a 2.5 high school GPA, obtain a composite score on the ACT or SAT assessment that is above the state average, and have the state's recommended high school core curriculum. Renewal eligibility requires the student to maintain a 2.5 cumulative college GPA and to complete a minimum of 24 credit hours annually. Heartland Alliance for Minority Participation. Colleges and universities in Missouri have many initiatives to increase the enrollment of minority students. A joint effort that involves 10 institutions is the Heartland Alliance for Minority Participation (HAMP), which has had partial funding from the National Science Foundation. Each HAMP institution is involved in designing and implementing bridge programs, from pre-college experiences through undergraduate and graduate education, to increase the participation of underrepresented groups in Missouri higher education. The bridge programs include early identification programs, undergraduate transition and retention programs, and graduate school transition programs. In summer 1999, HAMP will hold a retreat to develop a strategic plan for future statewide initiatives.

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		Missouri continued Missouri Student Assistance Resource Services (MOSTARS). The student assistance division of the Missouri Department of Higher Education supports statewide programs and activities that provide early awareness and outreach materials to Missouri families. Further programs are being developed to target low-income school districts and high schools with a history of low college attendance rates. The MOSTARS existing activities and the new programs in the planning stages are very similar and will run parallel to the services that are required in the new federal Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP). Blacks in Higher Education. Annually, the Missouri Legislative Black Caucus Foundation sponsors a statewide conference. The theme of this year's conference is "Celebrating a New Spirit in the Year 2000." The conference sponsors workshops to address current issues pertaining to such areas as housing, health, education, economic development, children, and families. The Missouri Department of Higher Education is an active participant in the conference agenda.
Montana University System	Yes. In the 1997 Montana legislative session, a bill was introduced that would have eliminated the Montana Indian Fee Waiver. Currently, approximately one-half of the Indian students attending the Montana University System receive financial assistance under this fee waiver. Students must be residents of Montana, show financial need, and be of one quarter Indian blood. The bill was defeated through the collaboration of educators, tribes, labor, and human rights organizations. In 1999, the Montana Legislature provided some measure of funding to the seven tribal colleges for non-beneficiary (White, Black, Asian, Hispanic, and non-enrolled Indian) students. This means there will be some state general fund support for majority students at the tribal colleges. We think Montana may be the only state doing this. Passed was House Bill 528, an act implementing Article X, section 1(2), of the Montana constitution regarding the state of Montana's recognition of the distinct and unique cultural heritage of American Indians and the state's commitment to establish educational goals that will preserve the cultural integrity of American Indians.	The Montana Board of Regents implemented the Montana Tuition Assistance Program. MTAP is a state grant program created to assist Montana residents who are students attending an eligible Montana school and who are working to help pay for their postsecondary education costs. Students must have a least $2,500 in earned income from the previous calendar year to be eligible.

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University and Community College System of Nevada	No	The Board of Regents has reaffirmed its support for diversity.
New York Board of Regents, New York State Education Department	To date in New York, there have been no challenges to affirmative action that have affected the climate of support for minority student access and achievement.	New York State continues its strong support of diversity through the State's Tuition Assistance Program and through an array of programs that provide for early intervention/outreach and the recruitment and retention of teachers who have the skills and knowledge to reach all students in their classrooms. Liberty Partnerships Program. In New York State, the Liberty Partnerships Program identifies students in grades 5 through 12 that are considered to be at risk of dropping out of school, and provides them with services and activities designed to improve their ability to complete high school and advance into postsecondary education and the workforce. Science and Technology Entry Program. New York State's Science and Technology Entry Program (STEP) works with students in grades 7 through 12. STEP is designed to increase the number of historically underrepresented and economically disadvantaged students prepared to enter college, and improve their participation rate in mathematics, science, technology, health related fields, and the licensed professions. Teacher Opportunity Corps. The Teacher Opportunity Corps (TOC) has a dual purpose. It is designed: to enhance the preparation of teachers and prospective teachers in addressing the learning needs of students at risk of truancy, academic failure, or dropping out of school; and, to increase the participation rate of historically underrepresented and economically disadvantaged individuals in teaching careers. Higher Education Opportunity Programs. Since 1969, New York State's Higher Education Opportunity Programs' purpose has been to expand educational opportunity to residents who are economically and educationally disadvantaged but who show potential for the successful completion of a higher education program. A salutary effect of the program has been to create an atmosphere in which more underrepresented minority students are able to participate in higher education through traditional admissions procedures as well as through the special channel of HEOP. A critical mass of underrepresented minority students on a campus can bring about important positive changes in curriculum, student life, and staff attitudes, leading to an institutional environment more sensitive to, and therefore more attractive to, a pluralistic student population. Higher Education Opportunity Programs (HEOP) continue to serve students from all ethnic groups. In 1997-98, 36.4 percent were African American and almost 39 percent were Latino. Scholarship for Academic Excellence. New York State's Scholarship for Academic Excellence is presented to the top seniors at each registered high school. Each high school receives at least one $1,500 scholarship and will be allocated additional scholarships based on the size of the senior class. The scholarships can be used for any of the costs of education at the college.

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University of North Carolina System	North Carolina, like four other states within the jurisdiction of the U.S. Court of Appeals for the Fourth Circuit (Maryland, West Virginia, Virginia, and South Carolina) is subject to the 1994 decision of the court in *Podberesky v. Kirman*. That case invalidated specified types of race-based financial aid as administered by the University of Maryland. A complaint filed in 1998 in the United States District Court for the Western District of North Carolina would have challenged a long-standing, state-funded program, administered by the University of North Carolina, that awards need-based financial aid to students who choose to attend any of the campuses of the university at which they would constitute a "minority presence," such as an African American student at a historically white institution (10 such institutions) or a white student at a historically black institution (five such institutions). However, the case was dismissed. Bills introduced in recent successive sessions of the North Carolina Assembly, with provisions comparable to those adopted in other jurisdictions either legislatively or by voter referenda, would have barred any consideration of race in making available any governmentally conferred opportunities or benefits. However, no such legislation has been enacted. In the fall of 1997, the president of the University of North Carolina directed the chief executives of the 16 constituent institutions to ensure that their respective campuses were not administering any policies or programs concerning admissions or financial aid that contravene clearly established legal requirements applicable in North Carolina. Specifically, the campuses were directed to *continued*	The University of North Carolina continues to administer a comprehensive program, first adopted in the 1970s, and incorporated into a consent decree entered by the U.S. District Court in 1981 and perpetuated in substantial part by the university's governing board for the past 10 years following expiration of the consent decree in 1989. The program embodies two primary objectives: (1) increasing the participation of members of racial minority groups (particularly African Americans) as students enrolled at the constituent campuses of the university, to eliminate the historical gap in college-going rates between white and black high school graduates in North Carolina; (2) increasing the racial integration of student enrollments at all constituent campuses, both historically white and historically black. The program mandated by the governing board always has depended on "affirmative outreach" to achieve the two objectives (namely, vigorous and comprehensive publicity, recruitment, and inducement), while carefully eschewing race-specific policies and practices that are of questionable legality. The university system has made steady progress on both objectives. Significantly, during the last admission cycle, for the 1998-99 academic year, with assurances that no impermissible race-based programs were being followed, the percentage of African Americans enrolled in historically white institutions climbed to its highest level. One area in which modifications in university programs have been necessary, in response to the *Podberesky* case, is financial aid. While the university continues to defend the propriety of its state-funded minority presence scholarship program (available to both black and white students) as distinguishable from the Maryland single-race program, there were a number of privately funded scholarship programs at various constituent institutions that were limited to participants of one specified race. In the intervening years since the Podberesky decision, efforts have been made to validate such programs by (1) "privatizing" them, such as having the private donor which endowed the program also administer it, so as to avoid "state action," (2) modifying the criteria prescribed for eligibility so as to eliminate any racially exclusive provisions, (3) seeking court invocation of the doctrine of cy pres to modify programs in ways that preserve the basic donative intent while eliminating any legal infirmity in the original prescription, (4) adopting a "diversity" rationale, as endorsed by the U.S. Department of Education, to foster ethnic diversity consistent with the rationale articulated by Justice Powell in *Bakke*.

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	North Carolina continued ensure that they not make admissions decisions (1) on the basis of two-track systems in which persons of different races are evaluated separately or pursuant to different criteria; (2) on the basis of quotas or set-asides based on race; or (3) that otherwise are based exclusively or primarily on racial considerations. Further, the president required assurances that institutions not administer any programs of financial aid invalidated by the requirements of the Fourth Circuit Court of Appeals decision in the *Podberesky* case. However, the president affirmed that judicial and legislative developments in California and Texas do not bind the state of North Carolina and its public systems of higher education and encouraged the continuing pursuit of broadly diverse student enrollments through all lawful means, citing the opinion of Justice Powell in the 1978 *Bakke* case, which endorsed as "constitutionally permissible" the goal of attaining a diverse student enrollment, with race and ethnicity as one valid ingredient.	
North Dakota University System	No	In March 1993, the State Board of Higher Education passed a Cultural Diversity Tuition Waiver policy. The program authorizes each campus, under the direction of its president, executive dean, or designee's equivalent, to grant tuition waivers of up to 3 percent of its undergraduate student enrollment to facilitate diversity and the needs of disadvantaged students on campus In 1989, the North Dakota University System was instrumental in the development of the Higher Education Resource Organization for Students (H.E.R.O.S.), whose purpose is to provide a networking system of information sharing and advocacy for minority students. This organization consists of American Indian program directors, diversity representatives, and other campus personnel involved in diversity. All five tribal colleges and 11 state campuses have representatives attending the annual conference.

State Agency	Have recent institutional board policies, voter referenda, court rulings, and suits on affirmative action affected the state climate of support for minority student access and achievement?	What actions by SHEEO agencies have been initiated or are contemplated in the face of these challenges to affirmative action?
Ohio Board of Regents	No. The Attorney General of the state of Ohio recently filed an *amicus* brief in the cases filed against the University of Michigan and Michigan Law School. The *amicus* brief speaks to the fact that courts must preserve the discretion of each state to determine that diversity on its college and university campuses is a compelling interest. The brief emphasizes the value of social diversity to students' future roles as leaders and civic participants in their communities. Further, it argues that *Bakke* correctly recognized that a carefully limited use of race as an admission factor, when necessary to achieve diversity, is consistent with the fundamental principles embodied within the Fourteenth Amendment.	Minority student achievement has been affected by an Ohio Board of Regents scholarship program entitled Student Achievement in Research and Scholarship (STARS). Board Policies: The Ohio Board of Regents adopted a scholarship program in 1993 called the Student Achievement in Research and Scholarship (STARS). This program provides approximately $140,000 in annual scholarships to those minorities whose racial or ethnic makeup traditionally has not been well reflected in the overall composition of Ohio's college and universities professor ranks. The STARS program targets academically gifted African-American, Hispanic, and Native American undergraduate students. The goal of the program is to prepare these students for graduate school, doctoral programs in particular, in hopes of encouraging these students to become professors. Ohio has developed several initiatives designed to make public higher education more accessible to students from low-income backgrounds. Three types of effort are worth mentioning: improvements to state need-based financial aid programs, a new program to reduce the price charged by two-year campuses, and a new program to encourage effective service to needy students by public universities. Because minorities are disproportionately found in low-income strata, they benefit disproportionately from these programs. Because all students with similar economic circumstances are treated similarly, these improvements have been made without the divisiveness and rancor surrounding affirmative action programs. Financial Aid: Ohio has made significant efforts to improve its need-based financial aid program, the Ohio Instructional Grant program, in recent years. This program awards grants on the basis of a table of grants that is tied to family income and family size. The magnitude of the improvement is suggested by the following example. In 1991-92, a student coming from a family making $15,000 and having three dependents received a grant of $660 if he attended a public institution and a grant of $1,650 if he attended an independent institution. In 2000-01, based on the recommendations of the Governor and the action of the House, a student coming from a family making $19,000 (an income comparable to an income of $15,000 in 1991, after adjusting for inflation) and having three dependents will receive a grant of $1,380 if he attends a public institution and a grant of $3,408 if he attends an independent institution. These grants are provided to full-time students, but the state is also in the fourth year of a program to provide campuses with funds to be used for financial aid for part-time students. Access Challenge: According to data published by Kent Halstead, Ohio's two-year campuses have especially high tuition. Research suggests that these high prices especially discourage enrollments by low-income and minority populations. The state has begun a program of targeted funding for two-year and a few special university campuses to enable them to begin lowering tuition. The Ohio House has just recommended that funding for this program be increased to $65.3 million by the second year of the coming biennium. It has also mandated that two-year campuses freeze tuition in the coming year and reduce tuition by at least 5 percent in the following year. Success Challenge: Another new initiative is designed to support university efforts to help full-time students complete degrees in a timely way and to help its Ohio Instructional Grant

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		Ohio continued recipients complete degrees, even if it takes a longer period of time. Because of the priority the state is now giving to support campus efforts to serve low-income students, two-thirds of the funding provided through this program will be distributed to public university campuses in proportion to the number of degrees awarded to Ohio Instructional Grant recipients. The remaining one-third is allocated to reward timely degree completion. Total funding for the program in the Ohio House's version of the budget is set at $48.7 million. This amount of funding will create a powerful incentive for campuses to consider how they might improve their service to low-income students. It will simultaneously give them an important new revenue stream to support that service.
Oklahoma State Regents for Higher Education	Yes. A federal lawsuit has been filed against the State Regents challenging a legislatively created scholarship program (the Academic Scholars Program), part of which mandates that test score percentile requirements be referenced separately for women and minorities. The plaintiff, a white male applicant, alleges that women and minorities with lower test scores than his have been awarded ASP scholarships, in violation of Title VI and the Equal Protection Clause of the Fourteenth Amendment. Defense motions to dismiss the lawsuit and for summary judgment have been denied by the Court. The lawsuit is pending.	The Oklahoma Legislature is considering a bill that would remove the challenged provisions of the current law. Other State Regents' affirmative action programs are being reviewed for Title VI compliance.
Oregon University System	The state climate on diversity has been affected by a recent student complaint to the U.S. Department of Education, Office for Civil Rights (OCR), and subsequent agreement with OCR. The complaint was related to a systemwide scholarship program, the Underrepresented Minority Achievement Scholarship (UMAS), designed to provide fee forgiveness support to African American, American Indian/Alaska Native, and Hispanic/Latino students.	As a result of the agreement with OCR, the former UMAS program was modified to, (1) shift administration from the System office to each of the seven institutions that comprise the Oregon University System in order to provide opportunities for each university to establish a program that would best fit its mission, and (2) allow for a broadened definition of diversity that does not restrict awards on the basis of race.

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South Carolina Commission on Higher Education	There has not been activity in South Carolina, although it is in the Fourth Circuit Court of Appeals and required to comply with the court's holding in the *Podberesky v. Kirwan* case prohibiting race-based financial aid programs.	The Commission on Higher Education (CHE) has not changed its behavior or moved away from commitment to access and equity. It recently reaffirmed its support of access and equity and of support for disadvantaged students by requesting an increase in appropriations for our need-based grants program. CHE continues to request annual appropriation for our access and equity program and has received slight increases in funding. There has been extensive debate in the General Assembly about whether or not our new LIFE scholarship, modeled on Georgia's HOPE scholarship, should have an SAT requirement which reduces participation by African Americans. Right now, the SAT requirement is still holding. We are continuing our access and equity program that includes compilation of information/data about minority enrollments, hiring of minority faculty/staff, etc., and makes available some funds to specific targeted programs.
Tennessee Higher Education Commission	The state of Tennessee continues to operate under the guidelines of the Stipulation of Settlement Agreement mandated by the decision of *Geier v. Sundquist*. This settlement is working to overcome inequalities in funding and participation rates for all races across the state of Tennessee. Programs, policies, and procedures to accomplish these goals remain in place throughout the higher education system of Tennessee. Each year a court-mandated entity, the Desegregation Monitoring Committee (DMC), meets to detail and oversee the activities of the past academic year to meet the *Geier*-mandated goals, and to ensure the firm commitment of Tennessee to the continued increase in representation of persons of color among faculty, staff, and students in its colleges and universities.	Policies, programs, and procedures that continue to accomplish desegregation goals remain in place throughout the higher education system in Tennessee. The annual DMC Report is an update and detail of the activities and programs which evidence the continuing commitment by higher education officials to ensure continued improvement and increased representation of persons of color among faculty, staff, and students. The enrollment for black undergraduate students increased by almost 700 students from the previous year. The current 23,032 black undergraduate students make up 16.15% of the student body, up from 15.75%. The percentage of black graduate students grew from 9.86% to 10.29%, while the actual number rose by 118 to 2,068. This increase in the enrollment of 118 additional black graduate students will continue to have a positive impact on the graduation of black students at the doctoral level. Black student enrollment also has increased in medicine, pharmacy, dentistry, and veterinary medicine. Continuing last year's increase from the previous year, the number of doctorates awarded to blacks in 1995-96 increased over 20%. In 1991-92, 24 were awarded (5.47%); in 1992-93, 21 were awarded (4.70%); in 1993-94, 13 were awarded (2.93%); in 1994-95, 22 were awarded (4.87%). and in 1995-96, 27 were awarded (5.49%). Tennessee continues its efforts to make the higher education system more accessible to all students, faculty, and staff. The decades of programs and recruiting have increased representation of blacks at many levels at various campuses across the state. Another positive achievement has been the increased number of blacks attending graduate school at Tennessee institutions. Areas such as law, medicine, and pharmacy are either over or very close to 10% enrollment of the total population. The increases of these students obtaining professional degrees continue to be a major highlight of this report. The number of total undergraduates also continues to grow with over 23,000 black students enrolled at Tennessee institutions. Areas of concern include the decline in upper level hires which were down from the previous year. The other area needing attention is the campus-by-campus undergraduate enrollment numbers. While the overall numbers continue to increase, not all institutions have experienced such gains. Once again, the advances have outnumbered the declines in areas measured by this report. The areas that have not risen will continue to be targeted for improvements in the future. The Commission remains committed to removing all segregation of the higher education system in the state and will continue its role in order to reach that goal.

State Agency	Have recent institutional board policies, voter referenda, court rulings, and suits on affirmative action affected the state climate of support for minority student access and achievement?	What actions by SHEEO agencies have been initiated or are contemplated in the face of these challenges to affirmative action?
Texas Higher Education Coordinating Board	In March 1996, the Fifth Circuit Court of Appeals ruled in the case *Hopwood v. State of Texas* that the University of Texas at Austin law school's consideration of race or ethnicity in the admissions process violated the Fourteenth Amendment of the U.S. Constitution. The case was appealed to the U.S. Supreme Court, which denied the state's petition for *certiorari* on July 1, 1996. In August 1996, the Texas Attorney General advised Texas higher education institutions that *Hopwood* required that admissions, financial aid, and student retention programs be administered on a race-neutral basis. That advice was finalized in an official opinion in February 1997. In another case, a student who was denied admission to a University of Texas doctoral program filed a lawsuit alleging racial discrimination. The suit was dismissed on summary judgment by the district court, but the Fifth Circuit overruled the district court and remanded the case to district court for trial.	The University of Texas ended the $300,000 Target of Opportunity program, which was designed to recruit minority professors, because of concern that the program is barred as a result of *Hopwood*. The program was dismantled last fall but was not public news until January 1999. A February 5, 1997 Attorney General's opinion said that private foundations can award race-based scholarships provided that the foundation functions as a private entity and its activities are completely separate and independent from the institution of higher education. However, if a foundation is simply acting as a proxy for the institution of higher education and is administering race-based scholarships on behalf of or at the direction of the institution of higher learning, then there is a potential violation of *Hopwood*. Top 10 Percent Bill. A bill that provides automatic admission to students who graduate in the top 10 percent of their high school class was passed in 1997 and became effective with students entering in fall 1998. Also, the bill allows individual higher education institutions the option of admitting students in the top 25 percent of their class, and lays out 18 additional factors that can be considered by institutions when determining admissions for students who are not automatically admitted. Some of the other factors include responsibilities while attending school, work experience, community service/extracurricular activities, leadership, first-generation college student, socioeconomic background, region of residence, personal interview, and bilingual proficiency. The bill became law in time to affect the fall 1998 class; however, the bill has not produced the influx of minority students that was hoped for. Preliminary reports show that 8,626 top-10 percent graduates enrolled in public universities in Texas, which is below the 13,000 to 15,000 that were expected. Some of the difference may be accounted for by students attending out-of-state colleges, community and technical colleges, and by students attending private schools. The true reason for the difference is unknown. Scholarship Bill. The current session of the legislature is expected to establish a major scholarship program for Texas students who graduate from a public or private Texas high school and who enroll in a public or independent institution. In awarding scholarships, highest priority would be given to students with the greatest financial need. To be eligible, students would be required to complete the recommended or advanced high school curriculum or its equivalent. After the initial award, eligibility would continue for each semester that the student makes satisfactory academic progress toward an undergraduate degree or certificate. Race/National Origin Bill. Under consideration is a new bill that would establish a legislative finding that the present effects of past segregation still exist in Texas public higher education and that these effects require the implementation of remedial measures. It would allow undergraduate, graduate, and professional schools to consider the "African-American race and Mexican-American national origin" of applicants when making admissions and financial aid decisions. Whether the bill will pass the Legislature is not clear. Matching Grant Bill. This bill would allow Texas public institutions of higher education to match scholarships and grants given to Texas students by out-of-state institutions of higher education. Since *Hopwood*, there is a perception that many minority students are accepting offers

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State Agency	Have recent institutional board policies, voter referenda, court rulings, and suits on affirmative action affected the state climate of support for minority student access and achievement?	What actions by SHEEO agencies have been initiated or are contemplated in the face of these challenges to affirmative action?
		Texas continued from other states who can use race and other diversity criteria when making admissions and financial aid decisions. This bill attempts to keep highly qualified students in the state. Formula Supplement for Recruitment and Retention of Economically Disadvantaged Students. The Legislature is considering a new formula for general higher education institutions that would provide: (1) study group sections each semester during economically disadvantaged students' first year in an institution of higher education, and (2) enhanced student services such as increased advising and counseling during their first two years in a university. The formula would provide about $44 for semester credit hours earned by economically disadvantaged freshmen for study group sections and $380 per student in 2000 and $390 in 2001 for enhanced student services. In 2001, institutions would receive an additional $390 for each economically disadvantaged student retained in 2001 at the institution. The program provides funding for about 15,000 freshman and 11,700 retained students.
Utah System of Higher Education	The Utah State Legislature has defeated an "English Only" bill which has been proposed during three of the last five legislative sessions. There is presently a petition drive to place the issue on the general ballot. Despite occasional charges of "reverse discrimination" and "preferential treatment," the State Board of Regents continues to support equal opportunity policies and programs and encourages the state colleges and universities to do the same.	The Utah System of Higher Education continues to support a number of initiatives to assure equal access and opportunity. For example, the Commissioner's Office coordinates efforts with the State Board of Education (K-12) to increase the number of minority students taking math and science classes (MESA) and tutoring done by various campus service learning programs. Funding requests are made annually for financial assistance and program support for disadvantaged students. The Commissioner's Office also has a positive working relationship with state's higher education minority coalition and contributes funding for a joint scholarship program. Regarding faculty and staff, the Regents require an annual report concerning the status of women and minorities, including salary levels, tenure status, recognition, awards, etc.
University of Wisconsin System	No	In May 1998, the University of Wisconsin System Board of Regents adopted a 10-year strategic plan to increase diversity among its 26 colleges and universities. *Plan 2008: Educational Quality Through Racial and Ethnic Diversity* is an umbrella plan to, (1) Increase the number of Wisconsin high school graduates of color who apply, are accepted, and enroll at UW System institutions; (2) Encourage partnerships that build the educational pipeline by reaching children and their parents at an earlier age; (3) Close the gap in educational achievement, by bringing retention and graduation rates for students of color in line with those of the student body as a whole; (4) Increase the amount of financial aid available to needy students and reduce their reliance on loans; (5) Increase the number of faculty, academic staff, classified staff, and administrators of color, so that they are represented in the UW System workforce in proportion to their current availability in relevant job pools. In addition, work to increase their future availability as potential employees; (6) Foster institutional environments and course development that enhance learning and a respect for racial and ethnic diversity, and (7) Improve accountability of the UW System and its institutions. In June 1999, each UW institution submitted an institutional level *Plan 2008*.

State Higher Education Executive Officers: Access/Diversity Committee

Charge: To assist members in sustaining their commitments to access and diversity goals.

Don W. Brown (Chair), Texas
William B. Allen, Virginia
Gordon K. Davies, Kentucky
Andrew DeRocco, Connecticut
Sandra Espado-Santos, Puerto Rico
Warren H. Fox, California
Marcus Gaspard, Washington
Katharine C. Lyall, Wisconsin
Gerald W. Patton, New York
Keith R. Sanders, Illinois
Clifford Trump, West Virginia

State Higher Education Executive Officers and The College Board

Regional Forum Participants
October 27-28, 1998, Madison, Wisconsin and December 7-8, 1998, Austin, Texas

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